

ORIGINAL

United States District Court

JUN 16 2008

NORTHERN DISTRICT OF GEORGIA

JAMES N. HATTEN, Clerk
By: *B. Evans*
Deputy Clerk

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

JOSE LUIS GARCIA-ROQUE

CASE NUMBER: 1:08-MJ-632

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 1, 2008, in Dekalb County, in the Northern District of Georgia defendant(s) did,

move and travel in interstate commerce between Georgia and the country of Mexico to avoid prosecution for the crime of murder which is a felony under the laws of the state of Georgia;

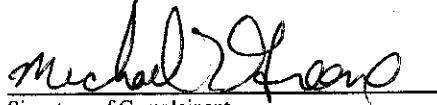
in violation of Title 18 United States Code, Section(s) 1073.

I further state that I am a(n) Special Agent with the FBI and that this complaint is based on the following facts:

See attached affidavit.

Continued on the attached sheet and made a part hereof.

(X) Yes No


Signature of Complainant
Michael T. Greene
Federal Bureau of Investigation

Based upon this complaint, this Court finds that there is probable cause to believe that an offense has been committed and that the defendant has committed it. Sworn to before me, and subscribed in my presence

June 13, 2008

at

Atlanta, Georgia

Date

City and State

E. Clayton Scofield
United States Magistrate Judge
Name and Title of Judicial Officer
AUSA Mary C. Roemer *mcr*


Signature of Judicial Officer

AFFIDAVIT

1. Your affiant, Michael T. Greene, is a Special Agent with the Atlanta office of the Federal Bureau of Investigation.

2. On June 1, 2008, Investigator Lenny Dryer, of the Dekalb County, Georgia Sheriff's Department, advised the affiant as follows:

(a) On June 1, 2008, an arrest warrant was issued by the Dekalb County Magistrate Court charging Jose Luis Garcia-Roque, with the murder of his wife Florencia Vargas, at 1145 Briarwood road, #11. Atlanta, Georgia. Garcia-Roque is charged with shooting Vargas with a han gun in the head.

(b) Investigator Dryer received information from a confidential source that Garcia-Roque fled the country and traveled to the country of Mexico.

(c) Further investigation by Investigator Dryer determined that Garcia-Roque is a native of Mexico and has family and associates residing in the country of Mexico.

3. The Dekalb County Sheriff's Department will extradite Garcia-Roque from any jurisdiction in which he is apprehended.

RECEIVED
DEKALB SHERIFF
WARRANT UNIT

2009 MAY 32 PM 1:13
BY: DW

CRIMINAL ARREST WARRANT

GEORGIA, DEKALB COUNTY

STATE OF GEORGIA

v.

Jose Luis Garcia-roque

Sex: Male DOB: 03/25/1975

Race: H SSN:

Ht: 5' 8" Wt: 160

Address: 1445 Briarwood Rd, #11

Atlanta GA 30319

In Custody: No

Employment:

Prosecutor: D A Kitchen

Agent for: DeKalb Police Phone: 770-724-7890

Address: 1960 West Exchange Plaza

Tucker GA 30084

Witness: Jaime Garcia-roque

AFFIDAVIT

Personally appeared the undersigned prosecutor, D A Kitchen who, on oath, says that, to the best of the prosecutor's knowledge and belief, the above named accused, between 5/31/2008 at 23:40 and 5/31/2008 at 23:40, did commit the offense of Murder (Felony) in violation of O.C.G.A.16-5-1, at 1145 Briarwood Rd, #11, Atlanta, DEKALB COUNTY, Georgia, and against Florencia Vargas and the laws of the State of Georgia. The facts this affidavit for arrest is based on are: said accused did with malice aforethought cause the death of Florencia Vargas, a human being, by shooting the victim in the head with an unknown type pistol. and prosecutor makes this affidavit that a warrant may issue for the accused person's arrest.

Sworn to and subscribed before me this 1 day of June, 2008 at
11:10:45 AM

D. Kitchen



Prosecutor

Badge No. 1672 Name: D A Kitchen Agency: DeKalb Police

Judge: Glen Galbaugh, MAGISTRATE Court of DEKALB COUNTY

STATE WARRANT FOR ARREST

STATE OF GEORGIA, COUNTY OF DEKALB: To the Chief of Police and Sheriff of County, any law enforcement officer thereof and to any Sheriff, Deputy Sheriff, coroner, Constable, Marshal or law enforcement officer of the State of Georgia authorized to execute warrants, GREETINGS: For sufficient cause made known to me in the above Affidavit, incorporated by reference herein, and other sworn or affirmed testimony establishing probable cause for the arrest of the Defendant named in the foregoing Affidavit, you are hereby commanded to arrest said Defendant charged by the Prosecutor therein with the offense against the laws of this State named in said Affidavit and bring him or her before me or some other judicial officer of this State to be dealt with as the law directs. HEREIN FAIL NOT.

This 1 day of June, 2008 at 11:10:45 AM



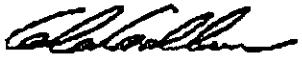
Judge: , MAGISTRATE Court of DEKALB COUNTY

ORDER FOR BOND

IT IS HEREBY ORDERED that the above-named accused, Jose Luis Garcia-roque, be and is hereby granted bail to be made with sufficient surety as approved by the Sheriff of DEKALB COUNTY in the amount of \$SUPERIOR COURT ONLY to assure the presence of said accused at arraignment, trial and final disposition in the [] Superior Court [] State Court of DEKALB COUNTY.

SPECIAL CONDITION OF BOND [Y]

Witness my hand and seal, this 1 day of June, 2008 at 11:10:45 AM



***** DOMESTIC VIOLENCE *****